

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
EASTERN DIVISION**

BETTY BENGE (CAMPBELL),

Plaintiff,

v.

No._____

Judge:_____

**NATIONAL LLOYDS INSURANCE
COMPANY**

Defendant.

NOTICE OF REMOVAL

National Lloyds Insurance Company, hereby notifies the Judges of the United States District Court for the Eastern District of Tennessee, the clerk of the Chancery Court of Campbell County, Tennessee, and Betty Bengé Campbell, that the action described herein and filed in the Chancery Court of Campbell County, Tennessee, is removed to the United States District Court for the Eastern District of Tennessee, Eastern Division pursuant to 28 U.S.C. § 1441.

On May 23, 2014, Plaintiff Betty Bengé Campbell, filed a civil action bearing docket number 2014-CV-46 against National Lloyds Insurance Company (herein referred to as National Lloyds), respectively in the Chancery Court of Campbell County, Tennessee. Service of the Complaint and Summons was made upon Defendant National Lloyds by letter dated June 4, 2014, by delivery of the Summons together with a copy of the Complaint to Defendant's agent through the Commissioner of Insurance. This action is filed by Plaintiff for proceeds allegedly due under a contract of insurance written by Defendant National Lloyds insuring

contents of a retail store located in Campbell County, Tennessee, which property was allegedly destroyed by fire occurring on or about July 2, 2012.

Petitioner seeks removal of this action to this court upon the grounds that the controversy is wholly between citizens of different states and involves an amount in controversy in the aggregate which exceeds Seventy-Five Thousand Dollars (\$75,000.00), exclusive of the interest and costs. See 28 U.S.C. § 1332. Specifically, the Complaint alleges that the contents were destroyed by fire and that Plaintiff should be awarded a judgment against Defendants in the amount of (\$50,000.00) plus an additional 25% under the Tennessee Bad-faith Penalty Statute codified at Tennessee Code Annotated § 56-7-105 of (\$12,500), plus attorneys' fees and incidental and consequential damages. Punitive damages are properly considered part of the amount in controversy for removal purposes. The Great Tenn. Pizza Co., Inc. v. Bellsouth Telecomm., Inc., 2011 WL 1636234, * 8 (E.D. Tenn. April 29, 2011).

Plaintiff is a resident and citizen of the State of Tennessee and was a resident and citizen of the State of Tennessee at the time of the filing of this action and at the time of removal. Defendant National Lloyds, is a corporation incorporated in Texas, with its principal place of business in Waco, Texas, McLennan County. Defendant National Lloyds was at the time of the filing of this action and at the time of removal a citizen of a state other than Tennessee and therefore diversity of citizenship exists between all parties.

The amount in controversy and requested will exceed Seventy-Five Thousand Dollars (\$75,000.00), exclusive of interest and cost. This notice is filed

within the time prescribed by 28 U.S.C. § 1446(b). A copy of the Summons and Complaint, being all the papers served upon Defendant, are attached hereto. Wherefore, notice is hereby given that the said civil action number 2014-CV-46 is removed from the Chancery Court of Campbell County, Tennessee, to this Court.

Respectfully submitted,

RAINEY, KIZER, REVIERE & BELL, P.L.C.

By: s/ Jonathan D. Stewart
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CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of this pleading or document was served upon counsel Plaintiff:

Vic Pryor
Attorney for Plaintiff
P.O. Box 103
Jacksboro, TN 37757

by electronic service or by mailing postage prepaid or by delivery to the person or office of such counsel.

This the 1st day of July, 2014.

s/ Jonathan D. Stewart